

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS

LINDABETH RIVERA, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No.: 1:16-cv-02714

Judge: Honorable Edmond E. Chang

Magistrate Michael T. Mason

JOSEPH WEISS, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No.: 1:16-cv-02870

Judge: Honorable Edmond E. Chang

Magistrate Michael T. Mason

DEFENDANT GOOGLE INC.'S NOTICE OF CONSTITUTIONAL CHALLENGE
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 5.1

**TO THE COURT, THE ATTORNEY GENERAL OF THE STATE OF ILLINOIS,
AND TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

Pursuant to Federal Rule of Civil Procedure 5.1(a), Defendant Google Inc. ("Google") hereby gives notice that its Consolidated Motion to Dismiss the Class Action Complaints, filed on May 18, 2016 [Dkt. 33], calls into question the constitutionality of the Illinois Biometric Information Privacy Act ("BIPA"), 740 ILCS 14/1, *et seq.*

Specifically, Google contends that interpreting BIPA to apply to photographs and information derived from photographs, as Plaintiffs propose, would render the statute unconstitutional under the Commerce Clause of the United States Constitution, U.S. Const. art. I, § 8, cl. 3.

Copies of this Notice, as well as Google's Consolidated Motion to Dismiss and supporting documents, have been served via registered U.S. Mail on the Attorney General of Illinois at the following address:

Lisa Madigan, Illinois Attorney General
Office of the Attorney General
Chicago Main Office
100 West Randolph Street
Chicago, Illinois 60601

Dated: May 25, 2016

GOOGLE INC.,

By: /s/ Susan D. Fahringer
Susan D. Fahringer

PERKINS COIE LLP

Susan D. Fahringer, *admitted pro hac vice*
SFahringer@perkinscoie.com
Nicola C. Menaldo, *admitted pro hac vice*
NMenaldo@perkinscoie.com
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: 206.359.8000
Facsimile: 206.359.9000

Sunita Bali, *admitted pro hac vice*
SBali@perkinscoie.com
505 Howard Street, Suite 1000
San Francisco, CA 94105-3204
Telephone: 415.344.7000
Facsimile: 415.344.7050

Debra R. Bernard (ARDC No. 6191217)
DBernard@perkinscoie.com
131 South Dearborn Street, Suite 1700
Chicago, Illinois 60603-5559
Telephone: 312.324.8400
Facsimile: 312.324.9400